

JUDGE PATTERSON

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GLEN ETTMAN

Claimant,

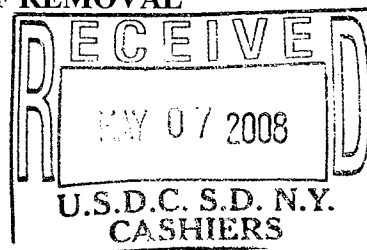
-against-

NY DISTRICT COUNCIL OF CARPENTERS

Defendant.
-----X

NOTICE OF REMOVAL

08 Cv



TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF NEW YORK

Defendants, NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS, by its attorneys
O'DWYER & BERNSTIEN, LLP, respectfully alleges:

1. By this Notice of Removal, the defendant removes this action from the Civil Court of the State of New York, County of New York, Small Claims Part to the United States District Court for the Southern District of New York, pursuant to 28 U.S.C. § 1441(a) and (b) and § 1446(a) and (b).

2. Upon information and belief, this action was commenced by Claimant by filing a Notice of Claim and Summons with the Civil Court of the State of New York, County of New York, Small Claims Part on April 4, 2008 and served on respondents by mail on or about April 4, 2008. A copy of the Notice of Claim and Summons is annexed hereto as Exhibit "A".

3. The within is an action commenced by claimant alleging entitlement to a pension. Resolution of the issues underlying the claims will require determination under the Employee Retirement Income Security Act of 1979.

4. This Court has jurisdiction over this matter pursuant to the Employee Retirement Income Security Act § 502(e), 29 U.S.C. §1132(e), which provides that the district courts have concurrent jurisdiction to the extent that the action relates to the operations of an employee benefit plan.

5. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure, and is timely filed with this court within 30 days after Claimant's service of Notice of Claim and Summons and Defendant's receipt of the Notice of Claim and Summons by mail.

6. Written notice of filing of this Notice of Removal will be served upon Claimant and a copy will be filed in the Civil Court of the State of New York, County of New York, Small Claims Part as required by 28 U.S.C. §1446(d).

WHEREFORE, Defendant prays for the removal of the above-entitled action from the Civil Court of the State of New York, County of New York, Small Claims Part, to the United States District Court of the Southern District of New York.

Dated: New York, New York
May 7, 2008

Yours Truly,

O'DWYER & BERNSTIEN, LLP
Attorneys for Defendant

By:

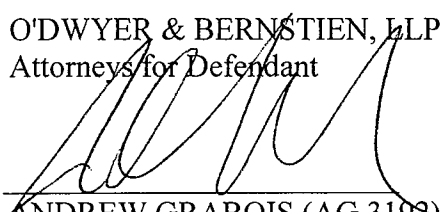

ANDREW GRABOIS (AG 3192)
52 Duane Street
New York, NY 10007
Tel. No. (212) 571-7100
Fax No. (212) 571-7124

EXHIBIT A

SMALL CLAIMS COURT 111 CENTRE STREET - RM 312 NEW YORK, NY 10013-4389	
1. Article Addressed to: EMERY 1249/2008 NY DISTRICT COUNCIL OF CARPENTERS 395 HUDSON ST. NEW YORK CITY, NY 10014-	2. Article Number: 7100 4387 2210 0304 4577

NOTICE OF CLAIM

The Claimant asks judgment in this court for together with interest and disbursements, on the following claim:

CLAIMANT: ROGER HONIG, BRISMAN 1531
 DEFENDANT: SUBMITTED WITH BILLING BY
 EMERY 1249/2008
 DATE OF DECISION: 5/7/08

CIV. SC. 55 Page (3/05)

NOTICE TO DEFENDANT

NOTICE OF CLAIM AND SUBMISSIONS TO APPEAR

This is the start of a lawsuit against you. It should not be ignored. Your default may have serious consequences. YOU MUST BRING THIS NOTICE WITH YOU EACH TIME YOU APPEAR IN COURT ON THIS CASE.

SUBMISSIONS TO APPEAR This claim is scheduled for a Hearing to be held in the Courtroom:

111 Centre Street, Room 3031
 New York, New York 10013
 On Thursday, May 8, 2008 at 5:15 PM

You, or someone authorized to represent you, must appear and present your defense at the Hearing. If you wish, you may retain the services of an attorney to represent you at your own expense. IF YOU FAIL TO APPEAR, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT. EVEN THOUGH YOU MAY HAVE A VALID DEFENSE. Only the Judge presiding at the Hearing can grant an adjournment. The Clerk cannot grant any change in the scheduled date or time.

DATED April 4, 2008

CHIEF CLERK JACK BAER

GASLTYPE SMALL CLAIM

SMALL CLAIM

CLAIMANT: GLEN EITMAN
 1725 KENYON AVENUE
 SO. PLAINFIELD, NJ 07080-
 INDEX NUMBER
 MSG 1249/2008
 5/8

5/8

DEFENDANT

NY DISTRICT COUNCIL OF CARPENTERS
 395 HUDSON ST.
 NEW YORK CITY, NY 10014-

A Guide to Small Claims Court is available at the court listed above.

ESTA INFORMACIÓN ESTÁ DISPONIBLE EN ESPAÑOL EN LA CORTE

BEFORE THE HEARING

If this case involves damage to an automobile or other property covered by insurance, notify your insurance company of this Hearing. The insurance companies will often assign an attorney representative to be present at the Hearing at no cost to you if they are made aware of the case by the policy holder.

COUNTERCLAIM AND THIRD-PARTY CLAIMS

If you have a claim against the Claimant, you may bring a "Counterclaim" as part of this lawsuit, for money only, up to \$5,000. Within five (5) days of receiving this Notice of Claim you should file a statement containing such Counterclaim with the Court. At the time you file such Counterclaim you must pay the Clerk a filing fee of \$5.00 plus the cost of postage. The Clerk will send the notice of your Counterclaim by First Class mail to the Claimant. The Counterclaim must include the amount of your claim and an explanation of the nature of your claim. You should be prepared to prove your Counterclaim on the day you come to Court for the Hearing.

If you fail to file the Counterclaim within the five (5) day period mentioned above, the law provides you with the right, nevertheless, to file your Counterclaim with the Clerk at least five (5) days before the scheduled hearing date. You may also give notice of your Counterclaim to the Court at the time of the Hearing. If you present your Counterclaim at this time, the Claimant may request and obtain an adjournment (postponement) of the hearing to a later date.

If you believe that a third party bears full or partial responsibility for the claim, you may be able to bring that party into the lawsuit as a "Third Party Defendant." Contact the Clerk promptly for information about filing a "third-party action."

JURY TRIAL

If you desire a jury, you must, at least one day before the day upon which you have been notified to appear, file with the Clerk of the Court a written demand for a trial by jury. At that time, you will have to make an affidavit specifying the issues of fact which you desire to have tried by a jury and stating that such trial is desired and demanded in good faith. You will have to pay a jury fee and also file an undertaking (a deposit in cash) to secure the payment of any costs that may be awarded against you. Under the law the court may award additional costs to the Claimant if you demand a jury trial and a verdict is rendered against you.

DEMAND LETTER

If this case is a "Consumer Transaction" (filed against you by a corporation, association, or partnership) you should have received a letter from the Claimant demanding payment, 10 days to six months prior to your receipt of this Notice of Claim. If you did not get such a letter, notify the Court at the time of your appearance.

SETTLEMENT

If you admit the claim:

a) and you are able to work out a settlement with the Claimant, a written agreement (Stipulation of Settlement) should be filed with the Court. This may be done on or before the date set for the Hearing. The document provided to the Court must include the SC number of your case, and the year.

b) but desire more time to pay and the Claimant is not willing to accept your plan for payment you must appear personally on the date set for the Hearing, tell the Court that you desire time to pay, and provide your reason(s) for desiring time to pay. At that time, with the aid of the Court, you may be able to reach agreement with the Claimant and enter into a written Stipulation of Settlement.

If neither side appears in court on the date scheduled for the Hearing, the case will be marked "DISMISSED, No Appearance Either Side."

CN-SC-55 Rev. 04/06 (Revised 04/06)

